

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

DEAN C. BOYD

PLAINTIFF

v.

No. 4:22CV65-NBB-DAS

ADVERT SECURITY CONTRACTOR, ET AL.

DEFENDANTS

ORDER DENYING PLAINTIFF’S MOTION [13] TO REMAND

This matter comes before the court on the motion [13] by the plaintiff to remand the instant case to state court. The plaintiff originally filed his complaint in Washington County Circuit Court, cause number 2022-0028 CI. In his complaint, the plaintiff alleges that, during his stay in the hospital, various people assaulted him – and others permitted the assaults, which caused him physical, mental, and emotional injuries. The defendants filed a Notice of Removal on April 28, 2022, removing the case from state court to federal court based upon federal question jurisdiction over the claims arising under federal law (28 U.S.C. § 1331) – and noting that this court may exercise supplemental jurisdiction over the plaintiff’s state law claims arising out of the same case or controversy (28 U.S.C. § 1367(a)). The defendants noted that the civil case may be removed under the provisions of 28 U.S.C. §§ 1331, 1367(a), and 1441. The defendants have complied with the notice requirements found in 28 U.S.C. § 1446(d).

The plaintiff has been aware of the removal, as he has filed multiple documents in this case. *See Docs. 8, 9, 10, 11, 12.* A case filed in state court may be removed to federal district court based upon federal question jurisdiction or the inclusion of federal claims in the state court complaint. 28 U.S.C. § 1441(c). Removal is available to all defendants, whether individuals or legal entities. 28 U.S.C. § 1446. The complaint alleges violations of the Eighth Amendment prohibition against cruel and unusual punishment, as well as claims under state law. Doc. 1-1 at 4-7, 23-24. As such, the

defendants' removal based on federal question jurisdiction is proper under 28 U.S.C. §§ 1331, 13167, 1441, and 1446. For these reasons, the plaintiff's motion [13] to remand the instant case to state court is **DENIED**.

SO ORDERED, this, the 9th day of September, 2022.

/s/ Neal Biggers

NEAL B. BIGGERS

SENIOR U. S. DISTRICT JUDGE